

pass through the tail of Halley's comet. Nobody knew what was going to happen. And nothing happened. All the excitement was manufactured for us. So it was with the alleged crime wave.

The Commissioner characterized the "crime wave" as an attack on the public press, as an attack on the name of the city and said it was the duty of business men who possessed civic pride to protect against the continued criticism. He quoted statistics to show that there was less crime in 1920 than in 1916 or 1917, and compared the figures for December, 1920, when, he admitted, there had been an increase, with those of December, 1919, to show that there actually was a decrease. Mr. Brindell declared "ridiculous" the charge that the "crime wave" was a manufactured thing, and said it would be necessary for him to bring 700 men to do so.

Mr. Brindell referred to the 1,500 men who were on the streets as "a little army of men who are holding safe the fortunes and lives of 7,000,000 people." These men, he said, "submitting to the gross abuse of the press." He said that the Police Commissioner holds his office at his own peril and that the post has become a political graveyard. "I have seen them come and go," Mr. Brindell said to the present time, he said.

"My orders from the Mayor when I became Police Commissioner was not to be the Police Commissioner of any political clique, of the gamblers, or of the press," the Commissioner continued. "And these orders that he conveyed to me have been faithfully carried out from day to day, and they will be carried out so long as I am at the head of the department."

CHAPIN WOULD STOP WAREHOUSE LEAKAGE

Welcomes State Aid in Prohibition Enforcement.

Gov. Miller's announced intention of sending the New York police department to the limit in the enforcement of prohibition when the Volstead act becomes State law was good news for Dan J. Chapin, supervising Federal prohibition enforcement agent.

"That's fine," he said last night when he was informed of the Governor's attitude. "There's no reason why the police and the Federal agents shouldn't be able to work in close harmony. They cooperate closely in attacking the narcotic evil, and it should be the same with booze."

Mr. Chapin will work out particularly well the number of withdrawal permits is materially reduced. There is more liquor being legally released than there is any demand for. After the city's sick have been treated, there is more than enough liquor left for the sale and heavy.

"If the police really turn their energies to the enforcement of prohibition it will be a great relief to the city," Mr. Chapin said. "The Volstead act is a very short time will be moonshining."

"I could get my men at work running down the fake medicines which are being unloaded in great quantities. Why, there are more fake medicines than there are much more than plain booze. At present we haven't time to get after them."

ATTACKS VOLSTEAD ACT IN TAX RESTRAINT SUIT

Section 35 Alleged to Be Unconstitutional.

Special Dispatch to THE NEW YORK HERALD, Chicago, Jan. 20.—Suits were filed in the United States District Court today by Attorney David D. Stansbury to restrain the United States Government from enforcing section 35 of the Volstead act, which prohibits the manufacture of alcohol for beverage purposes.

The petition attacked section 35 of the Volstead act as unconstitutional in that it imposes a tax upon a privilege which was revoked by the passage of the Volstead act. More than 600 Chicago saloons are affected.

The petition was filed in behalf of Boia Jakovich, former Chicago saloon owner, who was arrested charged with having manufactured alcohol for beverage purposes. Jakovich becomes liable to a penalty of \$1,000 for having manufactured the alcohol and a fine for not having paid the tax.

"Prior to the passage of the Volstead act," Attorney Stansbury said, "it had been a privilege to manufacture alcohol for beverage purposes upon the payment of a tax for a license."

Now, the passage of the Volstead act became a crime to manufacture alcohol. Now, then, inasmuch as the privilege to manufacture alcohol has been ended by the Volstead act, a tax imposed by the government for manufacturing such alcohol is unconstitutional, since a penalty cannot be imposed without a trial by jury.

2 DRY AGENTS FACE 'SHAKEDOWN' CHARGE

Saloon Keeper Alleges Payment of Protection Money.

Alfred Ketcham and Charles Walters, prohibition enforcement agents, were held yesterday in \$2,000 bail each by United States Commissioner Hitecock, charged with "shaking down" William Brady, a saloonkeeper of 402 Second avenue, for \$40 as "protection money."

Assistant United States Attorney Matzuck, at the arraignment of the two men, who were attached to the staff of Supervising Agent Dan J. Chapin, said the money paid by Brady was marked and was found in the possession of Ketcham and Walters. After paying the alleged bribe Brady called in Patrolman Cornelius Wilhelm, who made the arrests.

Martin Lacey, a bartender in a saloon at 28 Atlantic avenue, Brooklyn, was held in \$500 bail by United States Commissioner Barmore, charged with violating the Volstead act. Lacey declared he did not know who owned the saloon, in which he had been employed for a number of years.

SPORT EDITORS TO SEE MILLER ON BLUE LAW

Governor to Hold Conference Also on Sunday Movies.

Special Dispatch to THE NEW YORK HERALD, Albany, Jan. 20.—Gov. Miller and the legislative leaders showed no signs of alarm to-day over the approach of the advance guard of the blue law army. In the opinion of the law makers the blue brigades will not make much of a dent in the State's statutes this winter.

The Governor was asked to-day to give his view of the stricter Sabbath observance law proposed. He said he already had suggested holding a conference with the sporting editors and writers of the State to talk over Sunday baseball and was arranging for a conference regarding Sunday movies.

"These are subjects to which I shall give considerable thought before making any suggestions," the Governor said. "I do not know that I shall send a special message on either Sunday baseball or movies."

BURIED IN COFFIN HE MADE.

ALBANY, N. Y., Jan. 20.—Walter J. A. Ziegler, one of the men in the coffin he made for himself more than twenty-five years ago. He was a coffin maker and before retiring built a walnut casket for his own burial.

BRINDELL INSISTED ON 50-50 RAKEOFF FROM ONE VICTIM

Two Housewreckers Testify to Bribes From Hundreds Clear Up to \$3,000.

LOST \$25,000 DEMAND Volk, Put Out of Business, Coaxed Czar With \$2,500 to Extend Forgiveness.

FOILED BY GOTHAM BANK

Contractors Forced to Accept High Bids, the Difference Going to Prisoner.

Robert P. Brindell's alleged method of compelling big builders to award contracts to men who were going to split their profits with him, and his boasts of absolute control of the building trades situation in this city, figured yesterday in the presentation of evidence at the trial of the labor czar before Justice John V. McAvoy in the Supreme Court.

Two housewrecking contractors of high standing in their line told of a variety of ways and means used by Brindell to extort money from them and pictured themselves as helpless victims of his methods. Before they finished they had related details of payments of bribes ranging from a few hundred dollars to as much as \$3,000 on a single occasion. One of them had told of Brindell's alleged attempt to exact a "rakeoff" of \$25,000 on the construction of the Gotham National Bank Building, in West Fifty-ninth street, the failure of which resulted in a strike on the property.

The witnesses were Albert A. Volk of the Albert A. Volk Company, Inc., wreckers engaged upon the Stock Exchange Annex and various other large jobs, and Louis J. Cohen, who handled the Manhattan Hotel job last year.

Volk recalled the fact that on one occasion when Brindell exacted a commission from him he had remarked to the labor chief: "What is this, a disease?" Brindell had replied, "I'm not in this thing for my health."

Was Not In It for His Health.

Cohen, who was the first witness, testified, in response to questioning by Samuel Untermyer, chief prosecutor, that with the exception of a few minor jobs he was unable to do any work last year without making some payment to Brindell. In addition, he said, Brindell compelled him to use workmen who were not needed and dictated the contractors to whom he should subcontract certain parts of his work.

A Fuller Company had been forced to permit him to sublet the job of carrying rubbish from the Manhattan Hotel to one Epstein, after Epstein had visited Brindell at Beacon Lake. In the Adirondacks. The Fuller people got him \$3,000 a load for carrying this rubbish, and he gave Epstein \$7 per load, but after he had testified before the Lockwood Committee the Fuller people insisted upon a refund to them of \$1 per load, or about \$3,000 in all.

He said that Peter Stadtmuller, one of Brindell's lieutenants who is awaiting trial in \$100,000 bail, had obtained a copy of his balance sheet so that the labor head might determine just how much to assess him for the privilege of fulfilling his contract. Brindell, he said, eventually got \$3,000, which was \$2,000 less than he asked. Brindell's statement to him on that occasion was, according to the witness, "The whole building situation is in my control."


Brindell began when Stadtmuller called a strike on the job of excavating for the Gotham National Bank Building because he was employing members of Zarako's housewrecking union on another job in Jersey City.

Bying Union Membership.

Finally, he said, Brindell told him that George Atwell, another contractor, had pulled himself out of a similar fix by writing his own check for the initiation fees of all of the Zarako men working on his job as new members of Brindell's council. Brindell told him that Atwell had paid \$25 each for 12 men. Volk said that he then arranged to do likewise, and Brindell took fifteen Zarako men who were working for him into his union for \$18. Later, for him into his union for \$18. Later, he refused to permit him to do any more work. He coaxed Brindell finally into accepting \$2,500 and allowing him to continue in business.

Volk told the story that he related before the Lockwood committee of the manner in which Brindell afterward obtained a number of contracts for him, although others underbid him on jobs. Brindell told him that the builders would have to give the jobs to him if he, Brindell, told them to do so, and that he expected him to "come across clean" in return. One example was in the case of a contract on some wrecking for the Garment Center Realty Company. Brindell had forced another contractor out of this job, and told Volk he could have it if he would "go fifty-fifty."

The trial will continue this morning.



Sheltered under this one roof are so many lines of goods that buyers—to find the showings they seek—never need go outside

THE FIFTH AVENUE BUILDING
Broadway and Fifth Avenue
"more than an office building"

SWANN THINKS ONE COP'S SMILE IS WORTH \$100 FEE

"Surely We Are Not Going to Prosecute Policemen for 'Accepting Gratuities'—Denies Break With Hyman or Tammany.

Edward Swann, who finds himself, a Tammany elected District Attorney, in the paradoxical position of directing, as the official superior of Charles S. Whitman, a Grand Jury investigation of Tammany, took due note yesterday of published assertions that by reason thereof Tammany, Hyman and Hearst had cast him off and that he was now prepared, as a Jack the Giant Killer of Centre street, to slay them all.

His answer was in brief that he was running the District Attorney's office on scientific, not political, lines, and that the slings and arrows of outrageous police affected him not at all. Hyman? An honest man, Murphy? Never tried to dictate in his life and has no interest in the Police Department. Hearst? Here is Mr. Swann's reply to a question whether he could account for Mr. Hearst's recent eschewal of him:

"I would never think of replying. I shall never consider politics in connection with the administration of this office. I never have and never shall. This is a quasi-judicial office."

"Why did you pick Whitman for the grand investigation?" Mr. Swann was asked.

"Does any one need to be told that? Does any one need a certificate of Mr. Whitman's qualifications? If there are and gratifiers anywhere we want to know it. I picked Mr. Whitman because he was the best man. That's all there is to it."

Mr. Swann was reminded of Mr. Hearst's objection to Mr. Whitman on the ground that he once took a legal fee from the Interborough.

"I had forgotten about that," he said, rather sadly, or so it seemed. "But no one can accuse me of being a friend of the traction line."

Mr. Swann added, brightening again:

"Is the relation between you and Mayor Hyman cordial?"

"So far as I'm concerned, it is."

"Has anybody tried to bring pressure to bear to have you stop Mr. Whitman?"

"Not in the least. No one would think of such a thing."

Only through reading the papers, Mr. Swann said, had he heard that Tammany resented his appointment. Mr. Whitman, he said, but when he was asked if there was any "break" between him and Mr. Murphy's organization he answered: "You must get that from the person who gave you the information." He denied that Mr. Murphy had ever given him an order or instruction of any sort, and said that Mr. Murphy and Tammany remained faithful to their policy of keeping their hands off the Police Department even to the extent of refusing to make any kind of recommendation concerning it. He said he had not seen or communicated with Mr. Murphy since the appointment of Mr. Whitman. Regarding the rumor that he meditated firing a lot of Tammany men from the District Attorney's office, he said he contemplated no "radical changes."

Then Mr. Swann spoke of Mr. Whitman's discovery that policemen are accepting "presents" from business men for doing their work properly.

"You know," he said, "I have never received a complaint here of a policeman demanding a gratuity. There seems to be an impression that we are prosecuting members of the force because they have accepted gratuities, honorariums, Christmas presents. No such thing. If a general impulse moves a citizen to give a policeman who has done exceptionally fine work a token of his appreciation surely we are not going to prosecute the policeman, so far as I am concerned."

"Some of them deserve rewards. Why, take that fellow on post in Lafayette street, below Grand. When I leave my office feeling downcast over the cares and troubles of the day the cheery smile he gives me is worth \$100 a day to me. I tell you, if I were only Prince Charming or Lady Bountiful I would just go around the city giving presents to men like that."

"There is a wealthy man who at Christmas time distributes \$20 bills among his friends on the police force. He is no slacker, no citizen snail. However, in the cases in which indictments have recently been found a serious offence is charged. Of course, a member of the force who refuses to do his duty unless he gets a gratuity is in another class. But I must say no such complaint has ever been made to me in all my time in this office. As a rule I think the men responsible who are in the office have done it gladly."

CLOTHING WORKERS SUED BY EMPLOYERS

WHITMAN FACES TAMMANY FIGHT

Continued from First Page.

The Amalgamated Clothing Workers of America for violence and lawlessness. The application for an injunction is made upon three grounds: First, it is contended that the workers, in order to accomplish their expressed aims of the destruction of private property and private ownership, "are resorting to threats, intimidation, violence, lawlessness and direct action."

Second, it is declared in the complaint that, inasmuch as the agreement now in effect with workers expressly forbids them to go on strike, the Amalgamated or any other union, the attempts of the Amalgamated to entice these workers away by violence and threats are trying to commit a "breach of the express contracts of employment between such workers and the plaintiffs."

Third, it is set forth in the papers that, assuming that the strike was called for a lawful purpose, "it is being conducted in an unlawful manner, in that the defendants are attempting to carry out their plans and purposes by unlawful means, to wit, by the use of threats, intimidation, violence and direct action."

LABOR COUNCIL OPENS WAR ON BRINDELL

The Central Trades and Labor Council opened war last night on the labor organization of Robert P. Brindell, for use of which in extorting money from builders he is now on trial. The fight is directed against Brindell's new painters' union, which the regular painters' union of the American Federation declares is doing strike breaking work.

A resolution "instructing" the members of the Central Trades and Labor Council to refuse to work on any building where Brindell's painters are employed was adopted.

William Kahoe and Edward I. Hannah, who formed a committee to call upon Gov. Miller and ascertain his attitude toward labor laws, reported the Governor had indicated he would support the labor laws now upon the statute books.



Will Place on Sale Today the following groups for prompt selling, before inventory—

SIZES ARE BROKEN—GROUPS SOMEWHAT LIMITED, BUT AFFORD WONDERFUL VALUES FOR THOSE ABLE TO FIND SUITABLE SELECTIONS.

Smart Tailored Suits at \$45
Formerly to \$125—A limited selection of models suitable for Misses and Small Women.

Rich Fur-trimmed Suits at \$65
Formerly to \$150—Fashionable materials and furs in a variety of attractive effects—no large sizes are included in this group.

Street and Afternoon Gowns at \$55—\$85
Formerly to \$195—Unusually smart styles in tricotine, duvetyne, chiffon velvet, velveteen and satin, including handsome embroidered effects.

Day Coats and Wraps at \$85
Formerly to \$175—A showing of very desirable effects showing many clever combinations of fur and cloth.

Street and Semi-Dress Hats at \$10
Formerly to \$45—Of velvet, duvetyne and panne, flower-wing—bow and fur-trimmed styles.

UNTERMYER HITS BACK AT PALMER

Attacks Attorney-General as Having Used Patronage to Bolster Political Ambition.

DENIES PERSONAL ANIMUS

Federal Official's Assertions Declared to Be Fiction and Camouflage.

The attack which Samuel Untermyer made upon the official record of Attorney-General Palmer was followed yesterday by another statement in which Mr. Untermyer sought to shoot holes in the Attorney-General's answer to his charges and denounced him as a falsifier. In it he repeated his demand for a Congressional investigation both of the Department of Justice and of Mr. Palmer's administration of the office of Alien Property Custodian.

"It is notorious," Mr. Untermyer said, "that at the Democratic convention San Francisco swarmed with men who were paying their debts by political support and that among them were men who controlled delegations or parts of delegations from different States. A large part of Mr. Palmer's support at San Francisco is said to have been made up of patronage beneficiaries, and I am satisfied that a fearless, capable investigation will disclose the fact that literally millions of dollars were distributed to favorites as patronage to lawyers, directors and the like, appointed by him and extracted from the properties of the unfortunate that came into his hands. When he says that the office of the Alien Property Custodian was administered for less than \$1,000,000, perhaps he forgets about the millions that were directly taken from the owners of these properties and distributed among his appointees."

Makes a Comparison.

Mr. Untermyer characterized Attorney-General Palmer's personal attack upon him as an attempt to draw a red herring across the trail. "In four weeks time, at a cost of less than \$25,000, the Lockwood committee did a hundredfold more to uncover illegal combinations than the Department of Justice did in eight years with its millions of appropriations," he said, "and this although the committee was confined to New York State and to the building trades, while the Department of Justice had the entire country and every line of endeavor under its jurisdiction and an army of detectives, attorneys, investigators and secret service men at its disposal. It is generous to characterize its record on this subject by no harsher name than incompetence."

Mr. Untermyer stated that on accepting the counselship to the Lockwood committee he made desperate and repeated efforts to obtain cooperation from the Department of Justice, but "found its staff so incompetent, notwithstanding the vast sums that had been put at its disposal, that while he tried to carry out his duty, as stated by Mr. Palmer, he did suggest that some other member of the Lockwood committee's legal staff be named to act for the Federal Government."

"I also suggested Mr. Rand's name to the United States attorney at New York after they had for two months sidestepped their plain duty," he said, "but there has not been any cooperation by the Federal authorities." He said that the enforced appointment of William Rand and Theodore J. Kresel to begin Federal proceedings at this late hour is "in itself a confession."

Denies Personal Animosity.

In answer to Mr. Palmer's charges that personal animosity prompted his attack upon him, Mr. Untermyer said: "I have never had a personal controversy with Mr. Palmer nor has a harsh or unfriendly word ever passed between us. His assertions on that subject are pure fiction made out of the whole cloth. They are just so much camouflage, but he will not be permitted to escape behind any such 'smoke screen' as that."

"I cannot find a single assertion in his long statement that has any foundation in fact."

"At no time did the Alien Property

REALTY BOARD WANTS LOCKWOOD RESTRICTED

The Real Estate Board of New York forwarded to the Legislature yesterday a letter voicing its opposition to any extension of the powers of the Lockwood committee. The letter declared that the housing problem could only be solved by the building of thousands of multifamily houses and that the present laws make it inadvisable for anyone to invest in such enterprises.

The letter also stated that the board believes that "a sensational and costly investigation of the business of the financial institutions and the insurance companies at a time when many staple assets, due to temporary conditions, are below their normal values, might have many serious consequences."

Knickerbocker Ice Thrift for every week

Have the ice box ready. The service is so regular you always know when the man will be there. See that your refrigerator doors fit, then keep them tightly closed. Open as little as possible. Never put anything hot into the refrigerator. Never cover the ice with paper or blanket—a refrigerator is kept cold by the ice slowly melting and taking up the heat within the insulated walls.

Knickerbocker Ice is made from 4 times filtered water frozen in sanitary containers and delivered in clean wagons, and sold at a Thrift price.

Knickerbocker ICE Company

Excellent quality pure thread silk hose, full-fashioned with reinforced garter top, toe and heel. In all the fashionable street and evening shades. Main Floor.



The SAKS Leather Goods Dept.

Is Now Featuring

Cotex Overnight Cases

At 7.50

The most compact overnight case made. Sizes 9 x 11 inches, fitted with ivortus brush, comb, soap box, tooth brush case, tooth powder container, and mirror. Illustrated.

Other styles in overnight cases, made of cotex, tacheite, crepe press seal, beautifully fitted. 18.50 to 87.50

Main Floor

Saks & Company
BROADWAY AT 34th STREET

Custodian take over any property in which any of 'my friends and clients' were interested. I had no friends or clients whose property was at any time taken over (except upon one occasion under the retainer of Gen. McCarter of New Jersey I acted with him for an American citizen whose property the Allen Property Custodian unsuccessfully tried but failed to take over), never having accepted a single dollar or profited in any way directly or indirectly by way of retainer or compensation in any transaction with which the Allen Property Custodian was ever connected; in fact, I purposely refrained from so doing, just as I had declined long before the war to accept representation of the German embassy or any German interests in this country because of the desire to be free to help my country if it should thereafter become involved in the war.

"It is not true that I did on many occasions or on any occasion make a request of any kind that the Allen Property Custodian be connected with me."

"I never had an interview with him in Washington or elsewhere in which I pounded the table or made any threat or suggestion of attacking him, nor did an unfriendly word ever pass between us at any interview or at any time except that in a speech a few years ago I criticized his policies in administering the Allen Property Custodian law in an impersonal way, and I did not suspect that he resented that very legitimate criticism. I am fairly aghast at his statements on that subject. They are not true."

"It is true that some years ago I advised him to withhold a brutal prosecution based on a mere technical charge against a member of my profession who had been a student in my office about twenty years ago. The assertion of the Attorney-General that this man, who was one of hundreds of clerks who graduated from our office, was a 'former associate of mine' or my friend is on a par with the reliability of other like statements made by him. The investigation was never anything but a clerk, but I am in keen sympathy with him, for I am satisfied he did no wrong and was simply bound by the Department's practice that might have been engaged in better business."

It is understood that Mr. Palmer referred to Norman Lindheim, attorney and one-time clerk in the office of Guglielmo, Untermyer & Marshall, who was convicted recently with Edward A. Rumely of violation of the statutes relating to alien enemy property.

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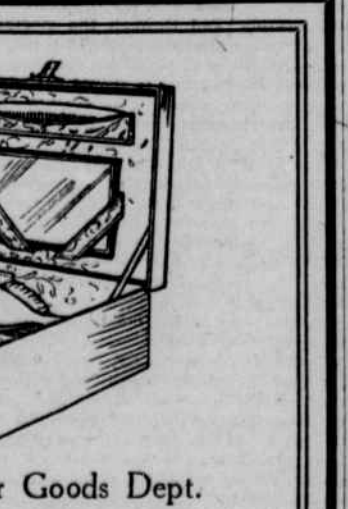
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FIFTH AVENUE & 37th STREET

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BROADWAY AT 34th STREET

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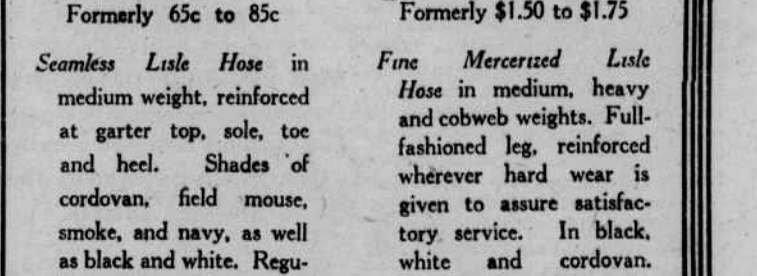
every pair perfect and bought for our regular stock

At 50c Formerly 65c to 85c

At \$1.00 Formerly \$1.50 to \$1.75

Seamless Lisle Hose in medium weight, reinforced at garter top, sole, toe and heel. Shades of cordovan, field mouse, smoke, and navy, as well as black and white. Regular and extra sizes.

Fine Mercerized Lisle Hose in medium, heavy and cobweb weights. Full-fashioned leg, reinforced wherever hard wear is given to assure satisfactory service. In black, white and cordovan. Regular sizes only.



At \$1.25 Formerly \$1.65 to \$1.85

Lisle Hose of excellent quality in medium and cobweb weights with reinforced garter top, toe and heel. Full-fashioned. Regular and extra sizes. Black, white and cordovan.

Women's Pure Thread Silk Hose

Regularly \$2.15 Friday \$1.65

Excellent quality pure thread silk hose, full-fashioned with reinforced garter top, toe and heel. In all the fashionable street and evening shades. Main Floor.



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Offer To-day and Saturday

MEN'S Blanket Robes

Regularly 7.95 At 5.95

Just one hundred robes, made of fine Beacon Blanket Cloth, in a variety of smart patterns. Small and medium sizes.

At 7.50 Regularly 10.80

Men's Beacon Blanket Robes in coat model, with bordered bottoms and sleeves. All sizes, including extra large.

At 10.25 Regularly 15.75

Men's Beacon Blanket Robes of a very superior quality. Silk corded throughout—every seam doubly reinforced. All sizes.

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